

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:92-cr-00181-JCM

Plaintiff,

ORDER

v.

CALVIN SPRINGER,

Defendant.

Presently before the court is *United States v. Springer*, case no. 2:92-cr-00181-JCM. Calvin Springer (“petitioner”) filed a *pro se* motion to vacate under 28 U.S.C. § 2255 based upon the application of *Johnson v. United States*, 135 S. Ct. 2551 (2015) to his sentence. (Doc. #371). Petitioner’s counsel then filed a motion to stay and hold in abeyance petitioner’s motion in order to review this case, and if eligible for relief, to file a motion seeking authorization from the U.S. Court of Appeals for the Ninth Circuit to file an amended application for a writ of habeas corpus pursuant to 28 U.S.C. § 2255. Six days later, petitioner, acting *pro se*, filed a second motion to vacate. (Doc. #375). Respondent filed a response in opposition, arguing that petitioner’s second motion to vacate should be denied as moot because it is duplicative of his first motion to vacate. (Doc. #376).

Thereafter, petitioner, though counsel, filed an amended motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 arguing that based upon the application of *Johnson*, petitioner’s sentence must be vacated and his case set for a *de novo* sentencing. (Doc. #377). The court will deny petitioner’s previous motions as moot and set the briefing schedule for the amended motion to vacate as follows: respondent has thirty days from the date of this order to file a response. Thereafter, petitioner has thirty days to file a reply.

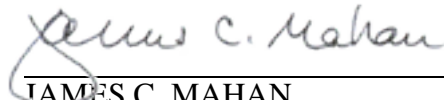
1 Accordingly,

2 It is ORDERED that respondent file a response to petitioner's amended motion to vacate,  
3 set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (doc. #377) no later than thirty (30)  
4 days from the date of this order. Petitioner's reply is due thirty (30) days thereafter.

5 IT IS FURTHER ORDERED that petitioner's motion to stay (doc. #374) is DENIED as  
6 moot.

7 IT IS FURTHER ORDERED that petitioner's motion for relief (doc. #375) is DENIED as  
8 moot.

9 DATED THIS 5<sup>th</sup> day of April 2016.

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11 JAMES C. MAHAN  
12 UNITED STATES DISTRICT JUDGE  
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